



O'Melveny & Myers LLP
Times Square Tower
7 Times Square
New York, NY 10036-6537

T: +1 212 326 2000
F: +1 212 326 2061
omm.com

VIA ECF

Colleen Powers
D: (212) 728-5884
cpowers@omm.com

March 27, 2023

The Hon. Zahid N. Quraishi
United States District Court Judge
United States District Court for the
District of New Jersey
402 E State Street
Courtroom 4W
Trenton, NJ 08608

Re: *Haggerty v. BlueTriton Brands, Inc. et al.*, Case No. 3:21-cv-13904-ZNQ-DEA

Dear Judge Quraishi:

Defendants BlueTriton Brands, Inc. and Niagara Bottling LLC respectfully request that the Court dismiss this action with prejudice. By Order dated December 16, 2022 (ECF No. 38), the Court dismissed the Amended Complaint in this matter, but allowed Plaintiff 30 days in which to file a Second Amended Complaint, along with the warning that “[g]iven Plaintiff’s two prior attempts, failure to do so may result in the matter being dismissed with prejudice.” Dec. 16, 2022, Order [Dkt. 38]. Plaintiff has not filed a Second Amended Complaint. Accordingly, Defendants respectfully request that the Court dismiss this action with prejudice.

Defendants submit a proposed order along with this letter. The filing attorney certifies that each signatory below has expressly agreed to the form and substance of the document and has authorized the filing attorney to submit this document electronically.

//

//

//

//

//

//



Sincerely,

/s/ Colleen Powers

O'MELVENY & MYERS LLP
Colleen Powers
Hannah Y. Chanoine (*pro hac vice*)
7 Times Square
New York, New York 10036
(212) 728-5884
(212) 326-2061 (fax)
cpowers@omm.com
hchanoine@omm.com

Counsel for BlueTriton Brands, Inc.

/s/ Laura Mary Lestrade

DORSEY & WHITNEY
Laura Mary Lestrade
51 West 52nd Street
New York, New York 10019
(212) 415-9200
(212) 953-7201 (fax)
lestrade.laura@dorsey.com

Creighton Magid (*pro hac vice*)
1401 New York Avenue NW, Suite
900
Washington DC 20005
(202) 442-3555
(202) 442-3199 (fax)
magid.chip@dorsey.com

Kent J. Schmidt (*pro hac vice*)
600 Anton Boulevard, Suite 200
Costa Mesa, CA 92626
(714) 800-1445
(202) 464-4507
schmidt.kent@dorsey.com

Counsel for Niagara Bottling LLC

Attachment